

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:

Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vrtil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
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April 13, 2006

TO INVOLVED COUNSEL

Re: MDL-1596 -- In re Zyprexa Products Liability Litigation

(See Attached Schedule A of Order)

Dear Counsel:

For your information, I am enclosing a copy of an order filed today by the Judicial Panel on Multidistrict Litigation involving this matter.

Very truly,

Michael J. Beck
Clerk of the Panel

By 

Mecca S. Carter
Deputy Clerk

Enclosure

JPML Form 34B

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 13 2006

FILED
CLERK'S OFFICE

DOCKET NO. 1596

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE ZYPREXA PRODUCTS LIABILITY LITIGATION

**BEFORE WM. TERRELL HODGES,* CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

TRANSFER ORDER

Before the Panel are motions brought, respectively, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in twelve Eastern District of Missouri actions, ten Western District of Missouri actions and three Middle District of Alabama actions as listed on Scheduled A. These plaintiffs ask the Panel to vacate its orders conditionally transferring the actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Two doctors named as defendants in one of the ten Western District of Missouri actions also move to vacate the Panel's order conditionally transferring that action.¹ Defendant Eli Lilly and Co. opposes the motions to vacate and urges inclusion of all 25 actions in the MDL-1596 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these 25 actions involve common questions of fact with the actions in this litigation previously transferred to the Eastern District of New York, and that transfer of these actions to the Eastern District of New York for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Eastern District of New York was a proper Section 1407 forum for actions involving claims of liability related to the prescription drug Zyprexa. *See In re Zyprexa Products Liability Litigation*, 314 F.Supp.2d 1380 (J.P.M.L. 2004). Any motions for remand to state court can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

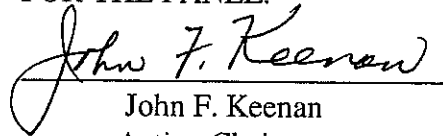
* Judge Hodges took no part in the decision of this matter.

¹ *Larry Wright v. Eli Lilly & Co., et al.*, W.D. Missouri, C.A. No. 2:05-4413.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of New York and, with the consent of that court, assigned to the Honorable Jack B. Weinstein for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:


John F. Keenan
Acting Chairman

SCHEDULE A

MDL-1596 -- In re Zyprexa Products Liability Litigation

Middle District of Alabama

Shaheed Muhammad v. Eli Lilly & Co., et al., C.A. No. 2:05-1046
Latofia Crimes v. Eli Lilly & Co., et al., C.A. No. 2:05-1047
Sanquirnetta McCray-Martin v. Eli Lilly & Co., et al., C.A. No. 2:05-1048

Eastern District of Missouri

Cheryl Andrews v. Eli Lilly & Co., et al., C.A. No. 4:05-2126
Jacqueline Jenell Brown v. Eli Lilly & Co., et al., C.A. No. 4:05-2127
Gloria Hayes v. Eli Lilly & Co., et al., C.A. No. 4:05-2128
Myra Frisbie v. Eli Lilly & Co., et al., C.A. No. 4:05-2129
Xavier Johnson v. Eli Lilly & Co., et al., C.A. No. 4:05-2139
Stanley Lewis v. Eli Lilly & Co., et al., C.A. No. 4:05-2140
Linda Young v. Eli Lilly & Co., et al., C.A. No. 4:05-2142
Darryl Scott v. Eli Lilly & Co., et al., C.A. No. 4:05-2143
Valerie Ann Shaffer v. Eli Lilly & Co., et al., C.A. No. 4:05-2145
Donna Trefney v. Eli Lilly & Co., et al., C.A. No. 4:05-2151
Windy Atterberry v. Eli Lilly & Co., et al., C.A. No. 4:05-2177
Ethel Stevens v. Eli Lilly & Co., et al., C.A. No. 4:05-2178

Western District of Missouri

Michael Skinner v. Eli Lilly & Co., et al., C.A. No. 2:05-4411
Larry Wright v. Eli Lilly & Co., et al., C.A. No. 2:05-4413
Tina Carrero v. Eli Lilly & Co., et al., C.A. No. 4:05-1083
Mary Ella Weese v. Eli Lilly & Co., et al., C.A. No. 4:05-1114
Susan M. Riley v. Eli Lilly & Co., et al., C.A. No. 4:05-1118
Pamela Hedrix v. Eli Lilly & Co., et al., C.A. No. 4:05-1151
Brenda Gleese v. Eli Lilly & Co., et al., C.A. No. 4:05-1244
Lamont Jay Hemphill v. Eli Lilly & Co., et al., C.A. No. 4:05-1245
Linda Ward Tindall v. Eli Lilly & Co., et al., C.A. No. 4:05-1246
Rosetta Marie Williams v. Eli Lilly & Co., et al., C.A. No. 4:05-1247